

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Scott Clarkson, Presiding
Courtroom 5C Calendar**

Thursday, September 2, 2021

Hearing Room

5C

10:00 AM

8:20-11339 Rockport Development, Inc.

Chapter 11

Adv#: 8:20-01128 Tiara Townhomes, LLC v. Everwin Investment, Inc.

#1.00

CONT'D Hearing RE: Motion In Limine No. 1 To Limit Defendant's (1) Evidence In Response To Plaintiff's Motion For Summary Judgment; And (2) Trial Evidence To Information And Documents Disclosed And Produced Before Discovery Cutoff
(Motion filed 7/22/2021)

FR: 8-18-21

Docket 23

***** VACATED *** REASON: CONTINUED TO NOVEMBER 4, 2021 AT
11:00 A.M. PER ORDER CONTINUING 9/2 HEARINGS ENTERED 9-1-
2021 - (DOCKET NO. [54])**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rockport Development, Inc.

Represented By
Matthew Grimshaw
David Wood
Laila Masud

Defendant(s):

Everwin Investment, Inc.

Represented By
Long Z Liu

Movant(s):

Tiara Townhomes, LLC

Represented By
David Wood
Matthew Grimshaw

**United States Bankruptcy Court
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Thursday, September 2, 2021

Hearing Room 5C

10:00 AM

CONT... Rockport Development, Inc.

Chapter 11

Plaintiff(s):

Tiara Townhomes, LLC

Represented By
David Wood
Matthew Grimshaw

**United States Bankruptcy Court
Central District of California
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Judge Scott Clarkson, Presiding
Courtroom 5C Calendar**

Thursday, September 2, 2021

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5C

10:00 AM

8:20-11339 Rockport Development, Inc.

Chapter 11

Adv#: 8:20-01128 Tiara Townhomes, LLC v. Everwin Investment, Inc.

#2.00

CONT'D Hearing RE: Motion For Summary Judgment Or, Alternatively, Partial
Summary Judgment
(Motion filed 7/7/2021)

FR: 8-18-21

Docket 12

***** VACATED *** REASON: CONTINUED TO NOVEMBER 4, 2021 AT
11:00 A.M. PER ORDER CONTINUING 9/2 HEARINGS ENTERED 9-1-
2021 - (DOCKET NO. [54])**

Tentative Ruling:

Revised Tentative for 9/2/21:

This matter has been vacated pursuant to the Order entered 9/1/21 [Dk. 54].

Tentative for 9/2/21:

Appearances are required **in person** in Courtroom 5C. The Court would like
the parties to discuss the following matters in specific detail.

1. The issue of Debtor's insolvency arises as both an element of
constructive fraud (Claims #2 and #4) and as a badge of fraud relative
to Debtor's intent to commit actual fraud (Claims #1 and #3).

With respect to insolvency as an element of constructive fraud, Debtor
is required to demonstrate that it was insolvent *at the time of transfer*
or made insolvent *by the transfer*. Plaintiff's evidence demonstrates
that Debtor had an approximately \$1.5M equity cushion in its real
property asset at the time that the Everwin DOT was recorded and that
Debtor's liabilities exceeded the value of the asset seven months after

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Thursday, September 2, 2021

Hearing Room

5C

10:00 AM

CONT...

Rockport Development, Inc.
the DOT was recorded.

Chapter 11

Further, Debtor's position appears to be that the allegedly secured debts (including the Everwin DOT) when combined with liability from the Earnix litigation (which was commenced 5 months *after* the transfer and is brought against Tiara and other Rockport affiliates) rendered Debtor insolvent. However, Debtor's objection to claim #5 related to the Earnix litigation [Dk. 566] asserts that Tiara bears no responsibility for the debt, as it is a third-party liability of a Rockport affiliate. Given the position asserted in Debtor's claim objection, and the presence of multiple other Rockport affiliate defendants in the Earnix action, is there evidence indicating that Mr. Zhang was or should have been aware that Tiara would be held liable for the future Earnix litigation at the time of the transfer?

2. With respect to the badge of fraud relative to the existence of pending litigation against Debtor (i.e., the Earnix litigation), is there evidence that Mr. Zhang executed the DOT in November 2019 with the intent to delay/hinder payment to Earnix (or other Tiara creditors) in favor of paying Everwin?
3. With respect to Claim #3 (and Claim #2 as an alternative theory to demonstrating insolvency), Plaintiff is required to show that Debtor was engaged or about to engage in business with unreasonably small capital. Is there any financial information about Debtor (aside from Debtor's equity in the real property) provided to address this requirement?

In addition to the foregoing, the Court may have additional questions for the parties at the hearing.

Party Information

Debtor(s):

Rockport Development, Inc.

Represented By
Matthew Grimshaw
David Wood

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Courtroom 5C Calendar**

Thursday, September 2, 2021

Hearing Room

5C

10:00 AM

CONT... Rockport Development, Inc.

Chapter 11

Laila Masud

Defendant(s):

Everwin Investment, Inc.

Represented By
Long Z Liu

Movant(s):

Tiara Townhomes, LLC

Represented By
David Wood
Matthew Grimshaw

Plaintiff(s):

Tiara Townhomes, LLC

Represented By
David Wood
Matthew Grimshaw

**United States Bankruptcy Court
Central District of California
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Courtroom 5C Calendar**

Thursday, September 2, 2021

Hearing Room

5C

10:00 AM

8:20-11339 Rockport Development, Inc.

Chapter 11

Adv#: 8:20-01128 Tiara Townhomes, LLC v. Everwin Investment, Inc.

#2.10

Hearing RE: Motion To Quash Third Party Subpoena To Chase Bank
(Motion filed 8/13/2021)
(Set per OST Entered 8-17-12021)

Docket 37

***** VACATED *** REASON: CONTINUED TO NOVEMBER 4, 2021 AT
11:00 A.M. PER ORDER CONTINUING 9/2 HEARINGS ENTERED 9-1-
2021 - (DOCKET NO. [54])**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rockport Development, Inc.

Represented By
Matthew Grimshaw
David Wood
Laila Masud

Defendant(s):

Everwin Investment, Inc.

Represented By
Long Z Liu

Movant(s):

Tiara Townhomes, LLC

Represented By
David Wood
Matthew Grimshaw
Laila Masud

Plaintiff(s):

Tiara Townhomes, LLC

Represented By
David Wood
Matthew Grimshaw

**United States Bankruptcy Court
Central District of California
Santa Ana
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Courtroom 5C Calendar**

Thursday, September 2, 2021

Hearing Room

5C

10:00 AM

CONT...

Rockport Development, Inc.

Laila Masud

Chapter 11

**United States Bankruptcy Court
Central District of California
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Judge Scott Clarkson, Presiding
Courtroom 5C Calendar**

Thursday, September 2, 2021

Hearing Room

5C

11:00 AM

8:16-12589 Andrea Steinmann Downs

Chapter 7

Adv#: 8:18-01168 Casey v. Steinmann et al

#3.00

CONT'D Hearing RE: Motion For Sanctions Under Rule 9011 Of The Federal Rules Of Bankruptcy Procedure
(Motion filed 7/8/2021)

FR: 8-18-21

Docket 316

Tentative Ruling:

Tentative for 9/2/21:

Appearances are required **in person** in Courtroom 5C.

Party Information

Debtor(s):

Andrea Steinmann Downs

Pro Se

Defendant(s):

Susie (Wilson) Steinmann

Represented By
Gerald P Kennedy
Aram Ordubegian
Annie Y Stoops
Justin S Draa

Tom Steinmann

Represented By
Gerald P Kennedy
Aram Ordubegian
Annie Y Stoops
Justin S Draa

Jeff Steinmann

Represented By
Aram Ordubegian
Annie Y Stoops

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Scott Clarkson, Presiding
Courtroom 5C Calendar**

Thursday, September 2, 2021

Hearing Room

5C

11:00 AM

CONT... Andrea Steinmann Downs

Chapter 7

	Justin S Draa
Katy (Belknap) Steinmann	Represented By Aram Ordubegian Annie Y Stoops Justin S Draa
Tessie (Stapleton) Steinmann	Represented By Aram Ordubegian Annie Y Stoops Justin S Draa
Heinz Steinmann	Represented By Aram Ordubegian Annie Y Stoops D Edward Hays Justin S Draa
Mary (Sypkens) Steinmann	Represented By Gerald P Kennedy Aram Ordubegian Annie Y Stoops Justin S Draa
Eric Steinmann	Represented By D Edward Hays Laila Masud Justin S Draa
Heinz H Steinmann	Represented By D Edward Hays Laila Masud Justin S Draa
Lora Rae Steinmann	Represented By D Edward Hays Laila Masud Justin S Draa
John Steinmann	Represented By

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Scott Clarkson, Presiding
Courtroom 5C Calendar**

Thursday, September 2, 2021

Hearing Room

5C

11:00 AM

CONT... Andrea Steinmann Downs

Chapter 7

Gerald P Kennedy
Aram Ordubegian
Annie Y Stoops
Justin S Draa

Movant(s):

Heinz Steinmann

Represented By
Aram Ordubegian
Annie Y Stoops
D Edward Hays
Justin S Draa

Susie (Wilson) Steinmann

Represented By
Gerald P Kennedy
Aram Ordubegian
Annie Y Stoops
Justin S Draa

Tom Steinmann

Represented By
Gerald P Kennedy
Aram Ordubegian
Annie Y Stoops
Justin S Draa

Jeff Steinmann

Represented By
Aram Ordubegian
Annie Y Stoops
Justin S Draa

Katy (Belknap) Steinmann

Represented By
Aram Ordubegian
Annie Y Stoops
Justin S Draa

Lora Rae Steinmann

Represented By
D Edward Hays
Laila Masud
Justin S Draa

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Scott Clarkson, Presiding
Courtroom 5C Calendar**

Thursday, September 2, 2021

Hearing Room

5C

11:00 AM

CONT... Andrea Steinmann Downs

Chapter 7

John Steinmann

Represented By
Gerald P Kennedy
Aram Ordubegian
Annie Y Stoops
Justin S Draa

Mary (Sypkens) Steinmann

Represented By
Gerald P Kennedy
Aram Ordubegian
Annie Y Stoops
Justin S Draa

Eric Steinmann

Represented By
D Edward Hays
Laila Masud
Justin S Draa

Heinz H Steinmann

Represented By
D Edward Hays
Laila Masud
Justin S Draa

Tessie (Stapleton) Steinmann

Represented By
Aram Ordubegian
Annie Y Stoops
Justin S Draa

Plaintiff(s):

Thomas H Casey

Represented By
Jeffrey I Golden
Faye C Rasch
Ryan W Beall

Trustee(s):

Thomas H Casey (TR)

Represented By
Beth Gaschen
Jeffrey I Golden
Faye C Rasch

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Scott Clarkson, Presiding
Courtroom 5C Calendar**

Thursday, September 2, 2021

Hearing Room

5C

11:00 AM

CONT...

Andrea Steinmann Downs

Ryan W Beall

Chapter 7

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Scott Clarkson, Presiding
Courtroom 5C Calendar**

Thursday, September 2, 2021

Hearing Room

5C

11:00 AM

8:16-12589 Andrea Steinmann Downs

Chapter 7

Adv#: 8:18-01168 Casey v. Steinmann et al

#4.00

Hearing RE: Motion For Sanctions Pursuant To The Court's Inherent Authority
(Motion filed 7/27/2021)

Docket 324

Tentative Ruling:

Tentative for 9/2/21:

Appearances are required **in person** in Courtroom 5C.

Party Information

Debtor(s):

Andrea Steinmann Downs

Pro Se

Defendant(s):

Lora Rae Steinmann

Represented By
D Edward Hays
Laila Masud
Justin S Draa

Heinz H Steinmann

Represented By
D Edward Hays
Laila Masud
Justin S Draa

Eric Steinmann

Represented By
D Edward Hays
Laila Masud
Justin S Draa

Mary (SyPkens) Steinmann

Represented By
Gerald P Kennedy
Aram Ordubegian

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Scott Clarkson, Presiding
Courtroom 5C Calendar**

Thursday, September 2, 2021

Hearing Room

5C

11:00 AM

CONT... Andrea Steinmann Downs

Chapter 7

John Steinmann

Annie Y Stoops
Justin S Draa

Represented By
Gerald P Kennedy
Aram Ordubegian
Annie Y Stoops
Justin S Draa

Tessie (Stapleton) Steinmann

Represented By
Aram Ordubegian
Annie Y Stoops
Justin S Draa

Katy (Belknap) Steinmann

Represented By
Aram Ordubegian
Annie Y Stoops
Justin S Draa

Heinz Steinmann

Represented By
Aram Ordubegian
Annie Y Stoops
D Edward Hays
Justin S Draa

Jeff Steinmann

Represented By
Aram Ordubegian
Annie Y Stoops
Justin S Draa

Tom Steinmann

Represented By
Gerald P Kennedy
Aram Ordubegian
Annie Y Stoops
Justin S Draa

Susie (Wilson) Steinmann

Represented By
Gerald P Kennedy
Aram Ordubegian
Annie Y Stoops

**United States Bankruptcy Court
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Courtroom 5C Calendar**

Thursday, September 2, 2021

Hearing Room

5C

11:00 AM

CONT... Andrea Steinmann Downs

Chapter 7

Justin S Draa

Plaintiff(s):

Thomas H Casey

Represented By
Jeffrey I Golden
Faye C Rasch
Ryan W Beall

Trustee(s):

Thomas H Casey (TR)

Represented By
Beth Gaschen
Jeffrey I Golden
Faye C Rasch
Ryan W Beall

**United States Bankruptcy Court
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Thursday, September 2, 2021

Hearing Room 5C

1:30 PM

8:09-15954 Ali Shah

Chapter 7

Adv#: 8:09-01725 Sutton et al v. Shah

#5.00

Hearing RE: Application For Order To Appear And Examination RE:
Enforcement Of Judgment - Judgment Debtor: Ali Shah aka Ali Shah Velayati
(Application filed 7/1/2021)
(Set per Order Entered 7/1/2021)
[In-Person Hearing]

Docket 0

Tentative Ruling:

Tentative for 9/2/21:

Appearances are required **in person** in Courtroom 5C.

Party Information

Debtor(s):

Ali Shah

Represented By

Stephen L Burns - DISBARRED -

Stephen L Burns - DISBARRED -

Defendant(s):

Ali Shah

Represented By

Stephen L Burns - DISBARRED -

Plaintiff(s):

Stephen Kent Ehat

Represented By

David L Amkraut

Jimmy A Sutton

Represented By

Stephen Kent Ehat

David L Amkraut

Harold C Klaskin

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Scott Clarkson, Presiding
Courtroom 5C Calendar**

Thursday, September 2, 2021

Hearing Room

5C

1:30 PM

CONT... Ali Shah

Chapter 7

Mark Klein

Represented By
Stephen Kent Ehat
David L Amkraut

Gene Carmean

Represented By
Stephen Kent Ehat
David L Amkraut

Paul Kessler

Represented By
Stephen Kent Ehat
David L Amkraut

Propel Software Corporation

Represented By
Stephen Kent Ehat
David L Amkraut

Stephen Kent

Represented By
Stephen Kent Ehat

Trustee(s):

James J Joseph (TR)

Pro Se